

**City Council  
Pre-Agenda Meeting  
MONDAY  
February 13, 2006  
4:00 p.m.**

*The Pre-Agenda Meeting will be held on **MONDAY Feb. 13, 2006 at 4:00 p.m.***

I. Welcome

II. Invocation

**III. Proposed items for the February 21, 2006 Regular Meeting of the Trinity City Council**

**Review and Approval of Minutes**

1. January 10, 2006 Pre-agenda Meeting
2. January 14, 2006 Retreat
3. January 17, 2006 Regular City Council Meeting

**Reports**

4. Annual report and funding request for Archdale-Trinity Chamber of Commerce – TENTATIVE (Beverly Nelson, President)

**Public Hearings**

5. Consider use of Conditional Zoning
6. Receive citizen input relative to the needs of low and moderate income residents and neighborhoods to determine eligibility for CDBG funds

**Unfinished Business**

None

**New Business**

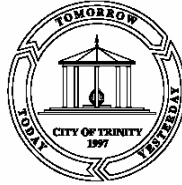
7. Consider participation in the Randolph County FY 2006 Scattered Site Housing Program (David Townsend, Randolph County Director of Public Works)
8. Consider resolution to approve Randolph County Solid Waste Plan (Townsend)
9. Resolution to proceed with eminent domain to acquire sewer easements from unknown property owners in Darr Rd. sewer project area

- 10. Consider City Council Rules of Procedure**
- 11. Resolution authorizing the sale of personal property worth less than \$5,000**
- 12. Consider quote for installing forcemain extension through Colonial Village**
- 13. Consider proposal to evaluate water lines and fire hydrant spacing**
- 14. Consider request from Guil-Rand Fire Department to connect new fire station to Hopewll Elementary School sewer line**
- 15. Consider traffic flow improvements at I-85/Finch Farm Rd. (recommendation from Utilities Committee)**
- 16. Budget Amendments**
  - a. Amd. 1: Local Sewer Capital Project Fund (transfer \$4,900 from Contingency to Legal)
  - b. Amd. 2: Establish new Parks & Recreation Fund (restricted) for fees received in lieu of open space dedication (\$2,385)
  - c. Amd. 3: Establish new Inspection Fees revenue source for streets and stormwater inspection fees (\$1,143)
  - d. Amd. 4: Increase Water/Sewer Fund Revenue and Expenditures by \$3,565 for fees received for sewer line inspections

**Additional Pre-Agenda Meeting Business**

- IV. (Proposed) Thoroughfare Overlay (discussion)
- V. Business from Mayor and Council
- VI. Business from City Manager
- VII. Closed session pursuant to NCGS 143-318.11 (a) 3 - to consult with attorney regarding City of Trinity v. Leroy and Mary Lerch (code violations)
- VIII. Adjournment

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**City Council  
Pre-Agenda Meeting  
MONDAY  
February 13, 2006  
4:07 p.m.**

**The regularly scheduled Pre-Agenda Meeting of the Trinity City Council was held on Monday, February 13, 2006 at Trinity City Hall, 6701 NC Highway 62, Trinity, NC 27370.**

**MEMBERS PRESENT:** Mayor, Fran Andrews; Council members Karen Bridges, Barbara Ewings, Barry Lambeth, Bob Labonte, Dwight Meredith, Edith Reddick, and Miles Talbert.

**MEMBERS ABSENT:** Phil Brown

**OTHERS PRESENT:** City Manager Ann Bailie; City Attorney, Bob Wilhoit; City Planning/Zoning Code Enforcement Administrator, Adam Stumb; City Clerk/Finance Officer, Debbie Hinson; and other interested parties.

**ITEM 1. Welcome**

Mayor Andrews called the February 13, 2006 Regular Pre-Agenda Meeting of the Trinity City Council to order at 4:00 pm and welcomed everyone present.

**ITEM II. Invocation**

The invocation was given by Council member Lambeth.

**ITEM III. Proposed items for the February 21, 2006 Regular Meeting of the Trinity City Council**

**Review and Approval of Minutes**

- 1. January 10, 2006 Pre-agenda Meeting**
- 2. January 14, 2006 Retreat**
- 3. January 17, 2006 Regular City Council Meeting**

Mayor Andrews called for discussion and or motion to add these items to the February 21 Regular Meeting Agenda.

*Motion to add the above items to the February 21, 2006 Regular City Council Meeting by Council member Ewings, seconded by Council member Bridges and approved unanimously.*

**Reports**

- 4. Annual report and funding request for Archdale-Trinity Chamber of Commerce  
TENTATIVE (Beverly Nelson, President)**

Manager Bailie advised Council that if they agreed to add this item to the Agenda she would like their permission to remove this from the February 21, 2006 Agenda if Ms. Nelson was not ready to present this information at that meeting.

*Motion to add this item tentatively if needed to the February 21, 2006 Regular Meeting Agenda by Council member Lambeth, seconded by Council member Meredith and approved unanimously by all Council members present.*

## **Public Hearings**

### **5. Consider use of Conditional Zoning**

Mayor Andrews opened this item for motion and or discussion.

Council member Lambeth asked if more clarification, and more in depth explanations would be given at the Regular Meeting. If not he was not in favor of adding this item to the Agenda.

Manager Bailie advised Council that explanations and questions could be answered at this time if Council wished to discuss this item.

Council member Meredith asked where this Zoning would be located in the City. Mr. Stumb advised Council that this would be like any other rezoning in the City. An applicant can request Conditional Zoning for their property. The Conditions placed on the request with Conditional Zoning will be in addition to anything that is already in the Ordinance. For instance if the property was zoned Highway Commercial, all conditions that applied in the Highway Commercial District would apply in addition to anything that the applicant suggest and Council agrees on. The additional request must be mutually agreed upon by the applicant and Council.

Attorney Wilhoit stated that he could see this arising where there was a situation that the property owner states that he will go beyond the requirements or scope of the Ordinance to get a project approved. The property owner can suggest going beyond the scope of what the Ordinance currently requires with additional conditions. If the property owner agrees and suggests the additional conditions then the Board would be able to consider the request for approval. This Zoning allows the Board and the property owner to go beyond the scope of the Ordinance with additional conditions if the property owner so desires.

Mr. Stumb advised Council this might come into play on fringe properties such as residential property that is located next door to an applicant that wishes to rezone their property to Highway Commercial. If the residents voiced concerns about what could be placed next to them the applicant could advise the residents that he only wanted to build a pharmacy and exclude every other use except this or he could choose to install an additional buffer along the side. This would be a good way to make most persons in the area agreeable about the transition.

Manager Bailie discussed the Carol Hurley rezoning that had taken place earlier along NC Highway 62 and there were concerns of the residents because this was zoned to Highway Commercial. The way our current Zoning is, all uses permitted in Highway Commercial are available to her, whereas if she would have come and asked for Conditional Zoning for a bed and breakfast Council could have approved her request specific to a bed and breakfast and that is all that she would have been allowed to put at this location.

Manager Bailie advised Council this Zoning would provide the City another tool for Zoning especially on the fringe districts where the residential property owners might have an issue with something going on next door. This would allow extra conditions to be put on properties like this.

Council member Meredith asked how this would benefit the city if only the owner can change the conditions? Manager Bailie advised Council that the owner had to agree to the changes. Mr. Stumb, the property owners, and Council could talk with the owners about changes. In the end when they come before the Council the owner must agree to the conditions.

Mr. Lambeth went back to the example of the pharmacy and asked why would the person requesting the change resort to this type of request with additional conditions. Manager Bailie advised Council that that person would know that Council would probably not approve a service station in the same location. If this is Highway Commercial does Council have the right to turn down the petitioner? Manager Bailie advised Council members that the request could be turned down if the city had Conditional Zoning, but if we do not have Conditional Zoning then you can not.

There was further discussion concerning the limitations of the power of the Council. Attorney Wilhoit advised Council that the request must fall within the permitted uses if it does then the request must be considered. He discussed legislative reasons for this type of Zoning. It is to allow more flexibility between the petitioner and the Public Body. There is lots of time when the petitioner will ask what he could do to answer all of his critics. This Zoning does not give Council supremacy. The CU Zoning is perpetual and stays with the property unless someone seeks another rezoning. There was discussion between Council members and Manager Bailie concerning the different zoning districts that could be created with this Zoning. There was further discussion concerning the reasons that Ms. Booker from the Institute of Government suggested that this zoning be removed from the earlier version of the Zoning

Ordinance. She wanted us to go with a simpler version where the city had Zoning Districts. The problems we have encountered with this is all of the different uses allowed in the different districts.

Council member Lambeth discussed the scenario of the pharmacy and the additional buffer that may be required that would satisfy additional requirements verses the gas station that made the same request. He asked why could the gas station request be denied and the pharmacy request approved. Manager Bailie advised Council that Conditional Zoning would come into play only if the request was to rezone property. If the property is already zoned Highway Commercial then the gas station can be located in the area. The property owner must be seeking a rezoning of the property for this to apply. With the straight zoning district we currently use, Council could not ask what the property owner planned to put on the property and if he told you what he was going to put on it you could not be assured that was what he would do. Council would have to approve or decline his request to rezone the property to Highway Commercial. On the other hand the Conditional Zoning provides a way the property owner can approach the city and tell us he wants the property rezoned to Highway Commercial but is willing to add additional buffers, stipulate his hours, and the type of establishment that he plans to locate on the property. Council could look at his request and additional conditions and rezone the property if they felt it would be compatible with the neighborhood. Council member Meredith asked if the guidelines were set as the request came before Council. Manager Bailie advised Council that the underlying district standards still applied. These would be conditions that went on top of the existing standards.

There was discussion concerning the language of the General Statute that governed this change. The Special Use Permit procedure is quasi-judicial and evidence must be presented for consideration. If someone comes in for a Special Use Permit for apartments the only thing the Council could consider would be the permit for apartments. Conditional Zoning is not quasi-judicial. This means that persons addressing the Boards do not have to give sworn testimony. Proposed conditions may address more than one (1) use or a certain kind of use within zoning districts. The conditions can be a number of things and can be based on just on uses, a site plan could be a part of the condition, and additional buffering and parking could also be a part of the conditions.

Attorney Wilhoit advised Council that this use would not prevent a petitioner from asking for a straight rezoning. Mr. Stumb agreed and stated that Council would still have General Zoning and Special Use Permits. There was further discussion between Council members and Manager Bailie how this Zoning could be used in the event of a developer requesting rezoning to Multi-Family for condominiums. Multi-Family Zoning also includes apartments. Conditional Zoning would allow the developer to stipulate that only condominiums would be located on the property.

Council member Meredith asked how this would affect existing property with a total of 10 acres and the property owner wanted to take out a piece of the 10 acres. Would this be allowed or would the entire 10 acres have to be included. Manager Bailie advised Council that only the portion requested for rezoning would be considered. The remainder of the property would remain as it was currently zoned. There was discussion concerning a similar request by a resident to rezone a small portion of his property to commercial with additional stipulations.

There was discussion concerning if both the Rezoning and Conditional Zoning would be issued together as well as how this would affect property owners that may be located in an Overlay District. Mr. Stumb advised Council that this would be considered as one (1) item and the Conditional Zoning would allow the petitioner to place additional conditions to the current conditions required in the Overlay Zoning if they wished to do so.

Mayor Andrews discussed the rezoning for the Hurley property. The rezoning that was granted to Ms. Hurley will allow any of the uses listed in the zoning. If the Conditional Zoning had been in place at that time her uses could have been limited to a Bed and Breakfast and for the business that she currently operates. Currently, if a rezoning request is approved, all of the permitted uses in the requested zoning district would be allowed. With conditional zoning, a rezoning petitioner could advise Council that all they wanted was a pharmacy on this property and make this a condition on the request with the Conditional Zoning. This would allow the petitioner to offer conditions and stipulate a particular use to the traditional uses allowed in a straight rezoning that might otherwise be denied. This is where the benefit to the property owner would come into play.

Council member Lambeth discussed his conversation with Planning Board Chairman, Robbie Sikes and his feelings on this addition to our Ordinance. He advised me that this would not hurt the City but was just another tool for the city to use.

Council member Talbert stated that he felt this might be a good tool to add and may even displace Overlay. Council member Labonte agreed with Council member Talbert's conclusion. Council member Ewings discussed all of the possibilities that Council had reviewed and agreed with earlier comments that they were overwhelmed at what could

be done. There was further discussion concerning why this was removed from the original Ordinance by Ms. Booker. Manager Bailie discussed that Ms. Booker felt because this city was so young and new it would be easier to administer if the city had Zoning Districts only rather than trying to deal with keeping up with Conditional Zoning. Council member Labonte stated that he was not against this and saw where this would be of good use to the City. However, I do agree with Council member Talbert's earlier comments that maybe this needs to replace the Overlay. Then we would not do a blanket Overlay that I feel will stagnate Trinity. I believe Council member Talbert brought out a good point. Council member Meredith stated that he agreed to the use of Conditional Zoning in certain areas, but not in all areas. I believe this should be used where heavy development would occur, however, I believe our Zoning Ordinance can handle the minor things. Council member Talbert stated that Conditional Use would allow the city to blend in the community. You would not have persons fighting over the fence. Council member Lambeth stated he felt it would be good when the city is trying to mesh other development with residential areas. It sounds like if the petitioner is willing to go the extra mile and the city is trying to make Trinity a more walker-friendly neighborhood then this would be an easier way to accomplish that goal. Council member Talbert discussed the current Table of Permitted Uses and what was allowed in each district. Condition Use may be a way to zero down to a use for a given zone. There was further discussion concerning the need for this to be incorporated into the Ordinance at this time. Manager Bailie discussed the timing issue involved with this request. It is a lot easier to incorporate something such as this in the beginning rather than try to do it after the fact. Council member Lambeth discussed how this could address issues such as the Colonial Village incident where Council was informed that townhomes were going to be placed in a development and then we were approached with a request for 400 apartments. This addresses the point made by the Manager. You can not go back and incorporate needed changes after the fact. If a request falls within the Permitted Uses of the Zoning District requested and the applicant meets all the requirements for that zoning then the application must be considered. Manager Bailie advised Council they were able to deny this request because the applicant made a request to increase the density above the allowed amount. If they had made a request that complied with the density requirements I do not believe that the request could have been denied.

***Council member Bridges made a motion to add this item to the February 21, 2006 Regular Meeting Agenda. There was further discussion on this item concerning the possibility to table this request until a later meeting between Council members, Manager Bailie, and Attorney Wilhoit. After further discussion, Council member Lambeth seconded the motion. The motion was approved 5 to 2 with Council members Meredith and Labonte opposed.***

**6. Receive citizen input relative to the needs of low and moderate income residents and neighborhoods to determine eligibility for CDBG funds.**

Mayor Andrews opened this item for motion and or discussion.

Manager Bailie advised Council members that this Public Hearing was required if we apply for any CDBG funding over the course of this calendar year. Mr. McNeill discussed this earlier where we are going to try to pick out an area of the Sewer Phases 2 and 3 to combine into a CDBG Project. This would take care of the first Public Hearing that is required.

***Motion by Council member Lambeth to add this item to the February 21, 2006 Regular City Council Agenda, seconded by Council member Ewings and approved unanimously by all Council members present.***

**Unfinished Business**

None

**New Business**

**7. Consider participation in the Randolph County FY 2006 Scattered Site Housing Program (David Townsend, Randolph County Director of Public Works)**

Mayor Andrews opened this item for motion and or discussion.

Manager Bailie advised Council this was a Grant in the amount of \$400,000.00 applied for by Randolph County. These Grant funds are used in areas throughout the County to improve housing. In order for them to qualify for the funds they need the approval of all the municipalities located within the County.

Mayor Andrews advised Council that two (2) homes located on Gray Oaks Drive within the City Limits were already on this list for improvements. They will spend up to \$30,000.00 per home to refurbish them. The homes must be owner occupied and they must meet the income criteria set by the Grant to receive this help.

***Motion by Council member Bridges to add this item to the February 21, 20065 Regular City Council Agenda, seconded by Council member Talbert and approved unanimously by all Council members present.***

**8. Consider resolution to approve Randolph County Solid Waste Plan (Townsend)**

Mayor Andrews opened this item for motion and or discussion.

Manager Bailie advised Council this was a 3 year update of the Plan. They are required by law to review their plan every 3 years.

Council member Bridges discussed language in the document concerning Curbside Recycling Programs as well as the other site that was discussed at the Retreat. If this item is added to the Agenda would this be the appropriate time to discuss these items with him.

Manager Bailie advised members that she had discussions with Mr. Townsend about a manned site. He is interested in doing this. We also discussed yard waste and we believe that we can make this work as well. He stated that some of the County Commissioners were interested in locating a full convenience site meaning a "dump" (transfer station) in this area. My understanding from Council during the Retreat was that you were not interested in the land fill aspect but you were interested in the recycling and yard waste programs. Council members agreed with Manager Bailie's summary. They were not interested in providing a general garbage site but were interested in the recycling and yard waste programs. She suggested that Council members advise Mr. Townsend at this meeting that they did not want a full convenience site that included a (transfer station) in Trinity..

***Motion by Council member Bridges to add this item to the February 21, 20065 Regular City Council Agenda, seconded by Council member Labonte and approved unanimously by all Council members present.***

**9. Resolution to proceed with eminent domain to acquire sewer easements from unknown property owners in Darr Rd. sewer project area.**

Mayor Andrews opened this item for motion and or discussion.

Attorney Wilhoit advised Council this property was formerly owned by E.S. and Margaret Darr. Our title search came up with no other owners. Attorney Wilhoit discussed the different ways that property could be transferred. In some instances the owners will expire and will not probate the estate. Without this there is no record in the Courts who owns this property.

Attorney Wilhoit advised Council that they must adopt a Resolution to start the process that will allow the city to file and pay a deposit for the easement value. We do not have anyone to sign the Right of Way for the sewer easement. In this instance because there are unknown heirs, the city must condemn this property, file a quick take action, and pay the money to the clerk in order to proceed without delays to installation of the infrastructure.

After further discussion, ***Council member Meredith made a motion to pass the Resolution to proceed with Eminent Domain and acquire the sewer easements on Darr Road, seconded by Council member Ewings, and approved unanimously by all Council members present.***

**10. Consider City Council Rules of Procedure**

After opening this item and discussion between Mayor Andrews and Council members, ***Council member Labonte made a motion to table this item until next month, seconded by Council member Ewings and approved unanimously by all Council members present.***

**11. Resolution authorizing the sale of personal property worth less than \$5,000**

Mayor Andrews opened this item and referred Council to the list included in their packet concerning the property. There was discussion between Manager Bailie and Council members concerning the concrete pipe listed for disposal. Manager Bailie discussed the flooding problems previously discussed at Canter and Belmont located in the Steeplegate Subdivision. We thought that we could correct that problem and purchased this pipe to make the repairs.

We later discovered that North State and Duke Power each had lines under the existing pipe. The cost to relocate these lines is approximately \$2,500.00 making the cost of the entire project with an open ditch approximately \$7,000.00. The property owner at that time stated that he did not want an open ditch. We discussed with the owner at that time the possible option for them to pay an additional \$5,000.00 to pipe the ditch. During our discussion the property was sold and the new property owner wanted to know what the City's intentions were concerning his property. Since that point we have been unable to reach an agreement on how to handle the problem. We own the pipe that we purchased to correct this problem and it is currently being stored on a contractor's property who will hold the pipe until we dispose of the pipe by sale or use.

After discussion concerning the pipe size (72 inches- 6 foot) and the process that would be used to sell the pipe, ***Council member Bridges made a motion to Adopt a Resolution authorizing the sale of personal property in the City of Trinity worth less than \$5,000.00, seconded by Council member Ewings, and approved unanimously by all Council members.***

**12. Consider quote for installing forcemain extension through Colonial Village**

Mayor Andrews opened this item for discussion and or motion.

There was discussion between Manager Bailie and Council members concerning how this improvement would provide the city the ability to divert a portion of their wastewater flow to the Hamby Outfall Creek station. Members and Manager Bailie also discussed why this needed to be a part of the Phase 2 project and the savings that would be realized to have this work done at this time due to the work already in progress for the Colonial Village Project.

***Motion by Council member Lambeth to approve the quote for installing the forcemain extension through Colonial Village, seconded by Council member Talbert and approved unanimously by all Council members present.***

**13. Consider proposal to evaluate water lines and fire hydrant spacing**

Mayor Andrews opened this item for discussion and or motion.

Manager Bailie advised Council this item was discussed at the Annual Retreat. Mr. McNeill has prepared the proposal in your packet to review the location of water lines in the city owned by Davidson Water and evaluate the best location for hydrants to satisfy the 1,000 feet spacing goal. He is proposing a payment on a per diem basis with a \$6,000.00 ceiling.

After discussion, ***Council member Bridges made a motion to add this to the February 21, 2006 Regular City Council Meeting Agenda, seconded by Council member Lambeth and approved unanimously by all Council members present.***

**14. Consider request from Guil-Rand Fire Department to connect new fire station to Hopewell Elementary School sewer line**

Manager Bailie advised Council Guil-Rand would like to withdraw their request at this time. They will probably do a pump and haul rather than pay for a connection to the Archdale Sewer System. There was discussion concerning the location of this property in conjunction with Trinity's Phase 2 project and the possibility of tie on when Phase 2 was completed.

***It was the consensus of Council to allow this item to be removed from the Agenda.***

**15. Consider traffic flow improvements at I-85/Finch Farm Rd.  
(Recommendation from Utilities Committee)**

Mayor Andrews opened this item and advised members this recommendation was forwarded by the Utilities Committee for Council review.

After a brief discussion, ***Motion by Council member Meredith to add this item to the February 21, 2006 Regular City Council Meeting Agenda, seconded by Council member Talbert and approved unanimously by all Council members present.***



## 16. Budget Amendments

- a. Amd. 1: Local Sewer Capital Project Fund (transfer \$4,900 from Contingency to Legal)
- b. Amd. 2: Establish new Parks & Recreation Fund (restricted) for fees received in lieu of open space dedication (\$2,385)
- c. Amd. 3: Establish new Inspection Fees revenue source for streets and stormwater inspection fees (\$1,143)
- d. Amd. 4: Increase Water/Sewer Fund Revenue and Expenditures by \$3,565 for fees received for sewer line inspections

Mayor Andrews opened this item for discussion and or motion.

After brief discussion among Council members and Manager Bailie concerning the Budget Amendments, ***Council member Meredith made a motion to approve the Budget Amendments as presented. Council member Ewings seconded the motion.***

Prior to the vote there was further discussion concerning the need to add this to the Regular February 21, 2006 Meeting Agenda. After discussion, Council member Meredith rescinded his original motion and Council member Ewings rescinded the second to the original motion.

***Council member Meredith made a motion to add these items to the February 21, 2006 Regular City Council Meeting Agenda, seconded by Council member Ewings and approved unanimously by all Council members present.***

### Additional Pre-Agenda Meeting Business

#### **ITEM IV. (Proposed) Thoroughfare Overlay (discussion)**

Mayor Andrews opened this item for discussion.

Mr. Stumb referred to the information included in the packet concerning the updated version of the Overlay District as well as a map and opened the discussion to Council members for comments.

Council members asked if this took care of earlier concerns where the provisions of the Overlay were applied to the entire lot. Mr. Stumb advised members that the way this was written was that the adjoining property along the Thoroughfare would be a part of the Overlay District. Mr. Stumb discussed an example of some lots located along NC Highway 62 that extended to Surret Drive. The way this is written it would include the entire parcel but more than likely the parcel would be divided as it is developed to the back. The back lots would not be included in the Thoroughfare Overlay District. Council members asked if the lot were not divided would it be included. Mr. Stumb said that it would. Council member Lambeth discussed problems that could occur with development with this language if someone is not aware of the stipulations that would apply to the property and realized only after the fact that they must put brick fronts on the property located at the back of the lot since it was not divided. How are we going to protect and prevent this from happening? Manager Bailie stated that the way she read this language was "only if it is visible from the public right of way." Council discussed how this could be misleading especially if the property went down hill and how this scenario would increase visibility.

There was discussion concerning prior meetings with staff and Council member Talbert and his suggested proposals. Council member Talbert discussed his proposal of a 200 foot depth for the right of way, and to start the Overlay District from the Trinity Light and extend it to Finch Farm Road. There was discussion concerning the size of the Proposed District and that the size had not been reduced from the prior proposal. Council member Lambeth discussed prior conversations concerning the property owner's right to continue to add to a project if he could only build one-third of the proposed project at first. My understanding of this document is that he would not be allowed to continue. He expressed his strong feelings of dislike concerning this item. He felt that if someone had a 10 acre tract he should be able to use a portion of it and be allowed to continue to add to his project if his project could not be completed at one time.

Manager Bailie discussed the applicable language of this document. This language states that this document would apply to all principal buildings. It is not applying to secondary buildings, associated uses, etc. She addressed the 200

foot depth discussed earlier by Council member Talbert. Our reason to use the language concerning visibility from the Overlay was because we felt it would be a better way to approach this stipulation because it was not so arbitrary. To stipulate 200 feet is setting a definite compliance, whereas if you can see it from the Overlay it might benefit the property owners in that they would not have to do so much if they have trees along the front of their property. Council member Bridges discussed the listing of twin homes in the exemption. She discussed the reasoning that the City did not have this definition or listing in other places and asked if this could be removed. Council member Lambeth discussed the stipulations of building materials addressed in this document and used the example of Cracker Barrel. Under the stipulations of this document they would not be allowed to build in the City. They have a set standard of their buildings. They are wooden buildings with tin roofs. Is the city going to advise Cracker Barrel that they could not locate in the city?

Council member Labonte discussed the earlier point made by Council member Talbert during discussion of Conditional Zoning. With the city's existing zoning and the addition of Conditional Zoning we could possibly do away with the Overlay. He agreed with earlier comments from Council member Lambeth concerning a property owner with 10 acres of property. He did not feel that the city should create a handicap for property owners and felt current language in the Overlay would only succeed in stagnating growth in Trinity.

There was further discussion concerning the language that addressed site distance in the Overlay right of way as well as discussion concerning some of the items listed under the Prohibited Uses for the Thoroughfare Overlay District and some changes that needed to be made.

Mayor Andrews discussed the stipulations listed in the Overlay concerning the setbacks for the building, the type of materials, etc. If we do not have this but instead use a Special Zoning Permit will it take care of the kind of materials that can be used to build the building? If we do not have the Overlay District but we have the Special Zoning Permit what will control the type of building that the developer will be allowed to build. Council member Talbert stated that if the property were currently zoned Commercial a metal building would be allowed, however if it was not zoned and a rezoning was sought we could stop a metal building.

There was further discussion concerning the plus and minus of this proposal and the need to make this a workable document because of the items that were encompassed by the Overlay District that were not agreeable. Council member Labonte discussed the language that addressed how a building would be built and the facing needed on the front was a good idea. There is so much in this Overlay District that is so broad that the good point that the Mayor brought out does not convenience me to accept the remainder of the document. Council member Lambeth and Ewings agreed with Council member Labonte.

Manager Bailie asked Council to address the issues that they disliked. Council member Lambeth discussed the scenario of the property owner of 10 acres and discussed language in the document relating to expansions. If the property owner only has \$2,000,000.00 and this will only pay for a 10,000 square foot building is it correct to say that he can only add on to this project once totaling 25%?

Manager Bailie stated the next paragraph addressed this answer. Any expansion beyond the 25% must adhere to the following sections: **Section 7- Utilities A, C, & D; Section 9- Parking Lot Design A & B; Section 10- Lighting B & C; Section 11- Signs.** He can extend up to 25% without complying to any of the regulations stipulated in these sections. He can then expand greater than 25% up to what the setbacks and everything else allows as long as he complies with these particular sections. Council member Lambeth stated this was something that he needed a clearer understanding of and that he understood the other stipulations attached. He thanked Manager Bailie for helping him to understand that a property owner in this scenario could expand as long as he meets the criteria of the stipulations listed.

Manager Bailie stated this was one of the items missing in the first draft of the project. It did not address what happened when someone wanted to expand more than 25%.

Council member Labonte discussed the stringent rules for landscaping. Manager Bailie and Council discussed the 150 sq/ft distance specified for the planting of canopy trees as well as the 30 sq/ft of planting area required for every parking space. Council member Meredith stated he did not have problems with aesthetics on the street; however he did have a problem with aesthetics in a parking lot. He also discussed his concerns about the language addressing the visibility stipulation from the Overlay stating he felt it should be specified. He stated he did not feel the Overlay should encompass the area from border to border. Council member Talbert discussed what the purpose of the Overlay was and stated that an Overlay would not correct property that already had buildings located on it. There was further

discussion between Council members concerning this issue and how new development could affect areas that may not be in the Overlay if it does not extend border to border.

Manager Bailie discussed with Council concerns that had been voiced concerning the 200 foot depth verses the right of way option. She stated that if Council felt strongly about this issue this document could be changed to reflect 200 feet or less if the visibility from the right of way is less than 200 feet. Otherwise everything within the 200 foot stipulation must comply.

Council member Bridges stated that she would like to dispose of all of the lighting that was currently allowed in this document. These are not safe lights. They produce a lot of glare and they do not disburse the light to the area that needs to have lighting. Manager Bailie stated that the Decorative Lighting was designed for parking lot areas.

***At this time, Council member Meredith made a motion to table the approval of the Thoroughfare Overlay District until the City Council says they are ready for it. The motion was seconded by Council member Labonte and approved 6 to 1 with Council member Bridges voting Nay.***

#### **ITEM V. Business from Mayor and Council**

##### **Comments from Mayor Andrews**

##### **Driveway at City Hall**

Mayor Andrews suggested adding gravel to the City Hall Driveway and parking lot and to level up the driveway with the street.

***After discussion it was the consensus of Council for staff to proceed with improvements by having abc stone base added to the parking lot.***

##### **Pressure Wash City Hall**

Mayor Andrews asked Council for their consideration to have the City Hall Building pressure washed.

***After discussion it was the consensus of Council for Mayor Andrews and staff to pursue pressure washing City Hall.***

##### **Comments from Council**

Council member Reddick discussed a complaint that she had received from a Jerry Street resident concerning a horse that may be located in this area.

There was discussion between Council members concerning this issue and possible ways that this and other issues of this kind could be addressed. Discussion included current zoning and what was allowed in each area. Manager Bailie advised members the current zoning for this area was RA (Residential Agriculture) and that horses were currently allowed in this zone. Planning and Zoning discussed this and farm animals are allowed as a permitted use in all districts except R-12. Some neighborhoods may have restrictive covenants that address this but the concern is for those neighborhoods that do not. Planning/Zoning did recommend that they be excluded from all districts except RA.

**After discussion between Council, Manager Bailie, and Mr. Stumb, Manager Bailie advised Council that Mr. Stumb would look into this for possible solutions and advise Council of the findings.**

#### **ITEM VI. Business from City Manager**

##### **Manager Bailie discussed the following items:**

##### **Cold Brook Court**

Manager Bailie advised Council members that the Utilities have considered this and had an excellent discussion pertaining to paving private roads. They have tabled this until next month in order to give further consideration to this issue. In the meantime I plan to write up draft guidelines outlining what they have discussed. This should come to you for your review in March.

Council member Lambeth discussed the items brought out in this meeting and the good ideas that surfaced with this Committee. I feel that when they make a recommendation it will be something that the Council can embrace.

### **Goals in 10 years**

Manager Bailie discussed her memo given out earlier. She asked that Council turn in their sheets by the Regular Meeting next week.

### **Board Vacancies**

Manager Bailie discussed the resignation of Raymond Hill (Ward 4) of the Utilities Committee. Mr. Hill has resigned his position due to health reasons. We also have received the resignation of Jim Wall (Ward 2) of the Planning/Zoning. Mr. Wall has moved out of the Ward and has resigned his position.

Manager Bailie advised Council members that she had placed applications at their seat for them to pass out to qualified individuals they might know from the appropriate wards. We will also be advertising this in the papers as well as listing this on our web site.

Manager Bailie advised Council members that she would like to use a 3 year term for Raymond Hill's replacement and advised members this would allow the staggering of the terms of this committee.

### **Economic Development Training**

Manager Bailie advised members a registration form had been placed at their seat and asked Council to advise staff if they were interested in attending so that they could be registered.

#### **ITEM VII. Closed Session Pursuant To NCGS 143-318.11 (A) 3 - To Consult With Attorney Regarding City of Trinity V. Leroy And Mary Lerch (code violations) and City of Trinity V. Gallimore.**

Mayor Andrews opened this item and called for a motion to go into Closed Session.

*Council member Talbert made a motion to adjourn to Closed Session Pursuant To NCGS 143-318.11 (A) 3 for the purpose of consulting with the City Attorney regarding City of Trinity V. Leroy and Mary Lerch (code violations) and City of Trinity V. Gallimore. The motion was seconded by Council member Bridges and approved unanimously by all Council members present.*

*Council member Lambeth made a motion to return to Open Session, seconded by Council member Talbert and approved unanimously by all Council members present.*

**There was no action taken during Closed Session.**

#### **ITEM VIII. Adjournment**

With no other business to discuss, *Council member Ewings made a motion to adjourn the February 13, 2006 Pre-Agenda Meeting of the Trinity City Council at 6:10 p.m., seconded by Council member Meredith and approve unanimously by all Council members present.*

**These minutes were approved as written by the Trinity City Council at their March 21, 2006 Regular Meeting upon motion by Council member Bridges, seconded by Council member Ewings, and approved unanimously by all Council members present.**